IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 18464 of 2007(W)

PETITIONER:

R.RAJAGOPALAN NAIR, S/O.RAMAN PILLAI,
KOLAMMAKKAL HOUSE, PADIMON P.O.,
MALLAPPALLY, (BRANCH MANAGER,THIRUVALLA EAST
CO-OPERATIVE BANK LTD NO.3260, PERUMPETTY BRANCH,
PERUMPETTY).

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF THE JOINT
REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
PATHANAMTHITTA.

2. THIRUVALLA EAST CO-OPERATIVE BANK LTD
NO.3260, HEAD OFFICE, ERAVIPEROOR,
REPRESENTED BY ITS MANAGING DIRECTOR.

BY GOVERNMENT PLEADER, SRI.P.K.RAVISANKAR (FOR R1)
ADV. SRI.D.SOMASUNDARAM (FOR R2)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18464/2007/W

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE PROCEEDINGS DATED 15/11/1994 ISSUED BY RESPONDENT NO.1.

EXT. P1(A): COPY OF THE FEEDER CATEGORY SUB RULES OF RESPONDENT NO.2 BANK.

EXT. P2: COPY OF THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT) RULES, 2005.

EXT. P3: COPY OF THE PROCEEDINGS DATED 20/1/1995 ISSUED BY RESPONDENT NO.1 RELAXING QUALIFICATION OF GRADUATION FOR HIS PROMOTION FROM THE POST OF ACCOUNTANT.

EXT. P4: COPY OF THE REPRESENTATION DATED 15/5/2007 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.1.

RESPONDENT'S EXHIBITS:

EXT. R2(A): COPY OF THE COMMUNICATION DT. 12.3.07.

/TRUE COPY/

P.A. TO JUDGE

JP

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.18464 of 2007-W

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Dated this the 13th day of November, 2007.

JUDGMENT

1. This writ petition is filed seeking a direction to the second respondent to consider and promote the petitioner to the post of Deputy General Manager in the service of the second respondent bank on the ground that two vacancies of Deputy General Manager are remaining unfilled. The bank has, obviously, stated that the promotions cannot be made, owing to the present financial situation of the bank.

2. Whatever that be, the matter raised in this writ petition falls squarely within Section 69 of the Kerala Co-operative Societies Act, which is an alternate efficacious remedy for redressal of grievances in relation to service matters of employees in the co-operative societies. Under such

circumstances, this writ petition is dismissed without prejudice to the right of the petitioner to move for relief, if any, in accordance with law, in terms of Section 69 of the Act.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/